

Notice of Allowability

Application No.

09/761,493

Examiner

Cheukfan Lee

Applicant(s)

SPENCER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed September 24, 2004.
2. ☒ The allowed claim(s) is/are 5-9, 11-15, and 18-21, now renumbered 1-14, respectively.
3. ☒ The drawings filed on 16 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


CHEUKFAN LEE

1. All pending claims 5-9, 11-15, and 18-21 are allowed. Claims 5, 11, and 18-21 are independent.

2. The following is an examiner's statement of reasons for allowance:

All previously rejected claims have been canceled.

Claims 5-9, 11-15, 18, and 19 were allowed in the previous Office action mailed August 25, 2004 and reasons for allowance were given in that Office action and are modified and repeated below. Claims 20 and 21 have been rewritten in independent form. Claims 20 and 21 were indicated to be allowable if written in independent form.

Claim 5 and its dependent claims 6-9 are allowable because in the closest prior art Sawase et al. (U.S. Patent No. 5,194,725), the back and front surfaces of the sensor board (103) have already been interpreted to have a rearward edge and a forward edge for the purpose of rejecting claim 3 (now canceled), which limitations have been added to claim 5. There are no elements in the Sawase et al. that can be interpreted to read on the claimed front surface and back surface of the board of the sensor array. The combination of the limitations relating to "rearward edge", "forward edge", "front surface", and "back surface" as claimed in claim 5 is not taught by Sawase et al.

Claim 11 recites limitations including the limitations of claim 5 discussed above. More specifically, the sensor board has a forward edge and a rearward edge, the rearward edge being abutted by the spring clip to urge the forward edge against the datum element, a front surface and a back surface. These limitations in combination

with other limitations of claim 1 are not taught by the prior art references. Claims 12-15 depend upon claim 11.

Claim 18 is allowable because none of Sawase et al., Fujimoto and Barry et al. discloses enclosing a resilient seal between the imaging sensor array and the bottom cover. The bottom plate (202) of Sawase et al. is directly contacting the bottom surface of the sensor board.

Claim 19 is allowable because Sawase et al. does not disclose an element that reads on the claimed reference element, which is substantially perpendicular to the datum element (as interpreted in the discussions of claims 1 and 16, claim 16 now canceled) and thus does not disclose urging a second edge of the imaging sensor array against the reference as claimed.

Claims 20 and 21 in their independent form require that the "second direction" be a direction that is "substantially perpendicular to the first direction". The bias element (102a) of Sawase et al. is urging the sensor array (105) on the sensor board (103) against the datum elements in a direction substantially parallel to the first direction (the vertical direction from the document A to the sensor array 105 in Fig. 1 of Sawase et al.), and not in a direction that is substantially perpendicular to the first direction as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (703) 305-4867. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
Dec. 2, 2004


Cheukfan Lee